

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-247
)	
RAYMOND J. SOBINA, <i>et al.</i> ,)	Magistrate Judge Bissoon
)	
Defendants.)	

ORDER

Eric Robinson presently is incarcerated at the State Correctional Institution at Fayette, located in LaBelle, Pennsylvania. Robinson has filed a Complaint wherein he alleges a litany of constitutional deprivations and sues 30 persons pursuant to 42 U.S.C. § 1983. Robinson has been granted leave to proceed *in forma pauperis* (Doc. 2). The Court directed Robinson to provide service instructions and a notice and waiver of summons for each named Defendant, along with service copies of the Complaint for each Defendant (Doc. 8). Plaintiff provided instructions for service for all Defendants, except Defendant C. Steve, and he provided only 8 service copies of the Complaint. Plaintiff has repeatedly asserted that he provided an additional 22 copies of the Complaint on April 22, 2009, and he offers as proof of this a postal receipt dated August 27, 2009, in the amount of \$1.05 for a single 1.5 ounce envelope (Doc. 14-2). Whatever this receipt is, it certainly is not proof that 22 copies of the 54-page Complaint filed in this case were mailed to this Court.

The Court has informed Plaintiff that it has not received sufficient service copies of the Complaint, and that failure to provide same will result in service on the first 8 named Defendants and the dismissal of the remaining Defendants pursuant to Rule 4(m) for failure to timely serve

process (Doc. 17). Plaintiff now asks that the Court compel the Clerk to “find” the additional copies of the Complaint, or, strangely, dismiss his entire case for failure to prosecute (Doc. 18).

AND NOW, this 8th day of January, 2010,

IT IS HEREBY ORDERED that Plaintiff’s Motion to Compel (Doc. 18) is DENIED.

IT IS FURTHER ORDERED that Defendants Mohry, Wallace, Bush, Yolinski, Thomas, Curry, Peter, Daisley, Adrade, Mark, Burke and Reisinger are DISMISSED WITHOUT PREJUDICE for failure to serve. Service will be directed upon the remaining Defendants. If Plaintiff wishes to withdraw his action, he may do so by filing an appropriate motion with the Court.

IT IS FURTHER ORDERED that the parties are allowed until January 22, 2010, to appeal this order to a district judge pursuant to Rule 72.C.2 of the Local Rules for Magistrates. Failure to appeal by January 22, 2010, may constitute waiver of the right to appeal.

s/Cathy Bissoon
CATHY BISSOON
UNITED STATE MAGISTRATE JUDGE

Cc:

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